

DETAILED ACTION

Priority

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 10/094,806 & 60/311,125 and , fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Prior-filed application do not disclose

providing an indication of a likelihood that an appraisal value for a property, which is secured by a mortgage loan, was faulty;

receiving a date;

receiving information representative of at least one of a borrower, a property, or one or more demographics, such that the received information corresponds to the date;

receiving the appraisal value based on the date; and

determining a score based on the received information, received appraisal, and the model, such that the score provides the indication of the likelihood that the appraisal value was faulty on the date

The considered priority date for the instant application is 07 October 2003 (filing date of the instant application).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 – 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As currently claimed by the applicant as their claimed invention, disclosure originally filed 07 October does not teach how one of ordinary skill in the art can use the invention for providing, based on a model, an indication of a likelihood that an appraisal value for a property, which is secured by a mortgage loan, was faulty when the received date from the user is some future date, receiving just the information related to a

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borrower, receiving appraisal value from a user which can be appraisal value of some other property.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 17 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims the limitation:

receiving a date. It is not clear whether the received date from the user is some future date, current date or a date in the past.

receiving information representative of at least one of a borrower, a property, or one or more demographics, such that the received information corresponds to the date. It is not clear how by only getting information representative of a demographics, score indicating likelihood that an appraisal value is faulty on the data specified by the user when it is not even known what property is the appraisal for.

receiving the appraisal value based on the date. It is not clear whether the system retrieves the appraisal value based on the date provided by the user, or, it is the user who indicates that I have an appraised value which was done on a certain date, or, some other appraisal which is based on some future date specified by the user.

Also, as currently claimed, it is not clear whether verifying appraisal value for the property is retrieved from some other source to determine the likelihood of the user provided appraisal value to be faulty.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley et al. US Patent 7,289,965 in view of screen snapshots of Realtor Workstation hereinafter known as RWS and LeClerc et al. US Patent 6,834,120.

Regarding claims 1 and 12 – 15, Bradley teaches system and method for providing, based on a model (computer program), an indication of a likelihood that an appraisal value for a property, which is secured by a mortgage loan, is faulty. Bradley teaches:

receiving information representative of at least one of a borrower, a property, or one or more demographics, such that the received information corresponds to the date determining a score based on the received information, received appraisal, and the model, such that the score provides the indication of the likelihood that the appraisal value is faulty

Bradley does not teach receiving a date and receiving information representative of at least a property such that received information corresponds to the date. However, RWS teaches capability for receiving a date and receiving information representative of

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at least a property such that received information corresponds to the date [RWS, page 4, 12, 19, 44]

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Bradley by adopting teachings of RealtorWorkstation to be able to access archived information,

Bradley in view of RWS does not specifically teach determining a score based on the received information, with the indication of the likelihood that the appraisal value (received information) was faulty on the date. However, LeClerc teaches system and method for measuring the accuracy by comparing the outputs different sources against each other [LeClerc, abstract]. Also, LeClerc teaches generating code [LeClerc, claim 3].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Bradley in view of TWS by adopting teachings of LeClerc to determine how well an appraiser has generated an appraisal of the property

Bradley in view of RWS and LeClerc teaches capability for providing, based on a model (computer program), an indication of a likelihood that an appraisal value for a property, which is secured by a mortgage loan, was faulty, by:

user interface which can be web based interface

receiving a date;

receiving information representative of at least one of a borrower, a property, or one or more demographics, such that the received information corresponds to the date;

receiving the appraisal value based on the date; and

determining a score based on the received information, received appraisal, and the model, such that the score provides the indication of the likelihood that the appraisal value was faulty on the date.

Regarding claim 2, Bradley in view of RWS and LeClerc teaches capability for receiving the date based on the closing date of the mortgage loan.

Regarding claim 3, Bradley in view of RWS and LeClerc teaches capability for receiving information representative of at least one of a borrower, a property, or one or more demographics, such that the date is specified by a financial entity.

Regarding claim 4, Bradley in view of RWS and LeClerc teaches capability for maintaining, by the financial entity, the information representative of the borrower for said determining (RWS teaches an entity maintaining information related to value of property]

Regarding claim 5, Bradley in view of RWS and LeClerc teaches capability where a user like financial entity can a lender.

Regarding claim 6, Bradley in view of RWS and LeClerc teaches capability wherein user like financial entity can be a broker.

Regarding claim 7, Bradley in view of RWS and LeClerc teaches capability for receiving information representative of the borrower's credit history as of the date.

Regarding claim 8, Bradley in view of RWS and LeClerc teaches capability selecting the model based on the date (using archived versions of computer applications is old and known to one of ordinary skill in the art at the time of invention).

Regarding claim 9, Bradley in view of RWS and LeClerc teaches capability for defining the model as the HV Score model.

Regarding claim 10, Bradley in view of RWS and LeClerc teaches capability for determining the appraisal value, such that the appraisal value corresponds to an estimate of value as of the date specified by the lender (RWS teaches capability for extracting data for specific date).

Regarding claim 11, Bradley in view of RWS and LeClerc teaches capability for determining the score based on one or more dates.

Regarding claim 16, Bradley in view of RWS and LeClerc teaches means with capability for providing the appraisal value.

Regarding claim 17, Bradley in view of RWS and LeClerc teaches capability for a web browser means for providing information to an entity over the Internet.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Sklarz et al. US Publication 2002/0087389
2. Dian Hymer, Credit Scoring Can Speed Up Loan Process
3. Robbins, Methodology For Evaluating, Ranking, And Pricing Mountainous Wilderness Lands
4. First American Real Estate Solutions Experiences Record Response To The Release of ValuePoint
5. Suzuki Japanese Document JP 04052198 A
6. Yamamoto Japanese Document JP 2002312458 A

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 9, 2008

/Naresh Vig/
Primary Examiner,
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